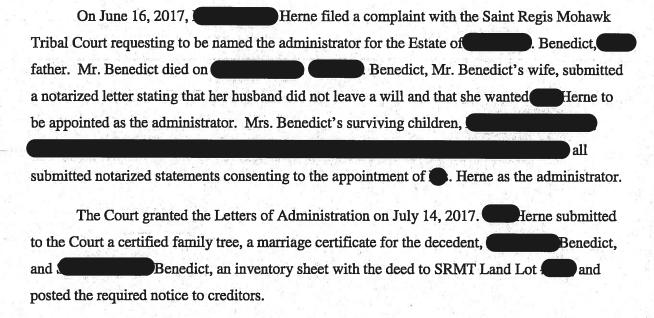
SAINT REGIS MOHAWK TRIBAL COURT

)	DECISION AND ORDER	128
Estate of	Benedict)		
		Case No.: 17-CIV-00009	

PROCEDURAL HISTORY



JURISDICTION

The Tribal Court has original jurisdiction over cases, matters or controversies arising under the laws, ordinances, regulations, customs and judicial decisions of the Tribe. The Court possesses civil jurisdiction over disputes arising in, connected with, or substantially affecting Mohawk Indian Country. Given that the resolution of the Estate of a Tribal member affects land on the Saint Regis Mohawk Indian Reservation and resolution of a person's estate is a civil issue

² SRMT Civil Code § II.A. (2008).

¹ The Saint Regis Mohawk Tribal Court and Judiciary Code § V.1. (2012).

that substantially affects Mohawk Indian Country,³ the Court assumes jurisdiction over this Estate.

APPLICABLE LAW

The Civil Code directs the Court to apply all "written laws adopted by the recognized governmental system of the Mohawk Tribe." The SRMT Land Laws and Land Dispute Ordinance (LL&LDO) was enacted by the Tribe in 2017. The LL&LDO specifically addresses intestate distribution and wills. Thus, the law is applicable to the case at bar.

ANALYSIS

In this case, the record established that the decedent, Benedict, had no signed will as defined by the LL&LDO, and, accordingly, the distribution of the Estate will proceed intestate. The only assets listed in the inventory was land, known as Lot and the house residing on the land.⁷ The decedent, Benedict, had a SRMT Right to Use and Occupancy deed for Lot signed by the Saint Regis Mohawk Tribal Council and certified by the Tribal Clerk. Pursuant to the LL&LDO, an SRMT Use and Occupancy Deed is proof of ownership.⁸

Pursuant to tribal law, the surviving spouse inherits "the possessory interest formerly held by the deceased spouse." Benedict is the surviving spouse and thus inherits the entire possessory interest in real property, namely Lot held by Benedict.

ORDER

Based on the above, the Court hereby Orders the following:

³ The Saint Regis Mohawk Tribal Court and Judiciary Code § V.1. (2012).

⁴ SRMT Civil Code § V.2.

⁵ LL&LDO § V. A.

⁶ LL&LDO § V. B.

⁷ No creditors came forward and identified a debt owed to them.

⁸ LL&LDO § IV.E.3.(a)

⁹ LL&LDO § V.A.1.

- 1. Benedict is the sole eligible heir of all of Benedict's real property, including the home, as described in the SRMT Use and Occupancy Deed for Lot
- 2. Lot lincluding the home, is hereby transferred to Benedict.
- 3. Herne is hereby Ordered to seek a new deed for Lot. placing it in the name of Benedict, from the Tribal Clerk's Office.
- 4. Upon the receipt of the new deed, Herne is released from her duties as administrator and the Estate of Benedict will be closed.

Signed by my hand this 3rd day of August, 2017.

Carrie E. Garrow, Chief Judge Saint Regis Mohawk Tribal Court

Carie E